

Court of Appeals, State of Michigan

ORDER

City of Ecorse v David McMurtrie

Docket No. 346535

LC No. 18-007757-01-AR

Cynthia Diane Stephens
Presiding Judge

Christopher M. Murray

Anica Letica
Judges

The Court orders that the motion to waive fees is GRANTED for this case only.

The motion for immediate consideration is GRANTED.

The motion to waive the transcript production requirement of MCR 7.209 is GRANTED.

Pursuant to MCR 7.205(E)(2), the Court orders that, in lieu of granting the application, the circuit court's November 8, 2018 order is REVERSED, and the matter REMANDED for further proceedings. The circuit court dismissed defendant's application for failure to pursue the matter in conformity with the rules. However, the circuit court had not first notified defendant of any defects, nor did it provide defendant with 14 days to cure any defects, as is required by MCR 7.113(A)(1). On remand, the circuit court shall determine what defects, if any, exist. If any defects exist, the circuit court must notify defendant of the defects and afford him 14 days to cure those defects. If any defects are not timely cured, the circuit court may take appropriate action under MCR 7.113. If no defects exist, or if any defects are timely cured, the circuit court shall consider the merits of the application. In all other respects, the application is DENIED. To the extent defendant seeks review of the district court's decisions in this Court, the circuit court must first address those issues, presuming dismissal is not deemed appropriate under MCR 7.113 on remand.

The motion for stay pending appeal is DENIED, but without prejudice to defendant requesting a stay of district court proceedings in the circuit court on remand.

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JAN 18 2019

Date

Chief Clerk